

Dear Sirs –

The demonstrated code proficiency requirement for licensing in the amateur radio service has been debated for over thirty years. The most recent was Docket 98-143, where the FCC concluded that while it agreed that code proficiency was and should no longer be required, ITU regulations which the US was a part of, required that code proficiency remains a requirement for HF operation.

Quote -In reaching this decision, we note that one of the fundamental purposes underlying our Part 97 rules is to accommodate the amateur radio operator's proven ability to contribute to the advancement of the radio art. We believe that an individual's ability to demonstrate increased Morse code proficiency is not necessarily indicative of that individual's ability to contribute to the advancement of the radio art. As a result, we find that such a license qualification rule is not in furtherance of the purpose of the amateur service and we do not believe that it continues to serve a regulatory purpose. Consistent with our decision to eliminate 13 wpm and 20 wpm Morse code proficiency as licensing requirements, we also are streamlining Section 97.503(b) of our Rules to reduce the number of telegraphy examination elements from three to one -- specifically, a 5 wpm telegraphy examination. We also conclude that, due to the Radio Regulations, we can not grant the request of the ARRL that we authorize privilege on all amateur service bands below 30 MHz to Technician Class licensees who have not passed a telegraphy examination. While we do not disagree with the ARRL's belief that the best way to learn telegraphy is to use it on-the-air, and that actual use of telegraphy to communicate is proof of the ability to send and receive telegraphic texts, the Radio Regulations provide that the telegraphy requirement may be waived only for an operator of a station transmitting exclusively on frequencies above 30 MHz. In this regard, we also note, as the ARRL states, that the Radio Regulations remain an obligation of the Commission that can not be waived. Unquote

As a result of the recent WRC convention, the ITU has eliminated the requirement. Several countries have already without a lengthy bureaucratic comment process eliminated the code requirement from their license requirements.

Finally the FCC currently grants exemptions to past Novice holders for element 1 testing. Having at one time passed an examination (as far back as 50 years) does not demonstrate proficiency in the code element. By allowing this, the FCC has essentially concurred with all “no code” petitioner’s requests, using a technicality in the ITU provisions.

Because of the above, I support the TOTAL elimination of the code requirement for ALL classes of licenses, while continuing to maintain the written technical standards. I do not support the petitioners request to keep a 5 wpm requirement and think that RM-10787 requested by the NVECs is a more viable proposal and as such the FCC should move unilaterally to eliminate this requirement immediately.

Sincerely
Paul Mayo – W4MAY